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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SUNLIGHTEN, INC.,

Plaintiff,

v.

FINNMARK DESIGNS, LLC,

Defendant.

Case No.: 2:20-cv-00127-JAD- EJY

**Order Granting Motion to Extend
Deadline**

(SECOND REQUEST)

[ECF No. 62]

Pursuant to Fed. R. Civ. P. 6 and 26, and Local Rules IA6-1 and IA6-2, Plaintiff Sunlighten, Inc. seeks an extension of time to respond to Defendant Finnmark Designs, LLC's Motion for Partial Summary Judgment on Counts 1, 2 and 4 of the Complaint (ECF 48) (the "Motion") that was filed on April 30, 2021. Plaintiff was previously granted an extension of time to respond to

1 July 20, 2021. It is requested that the deadline to respond to the Motion be extended by another
2 30 days, or up to and including August 19, 2021. In support of this motion, Plaintiff states as
3 follows:

4
5 1. One section of Defendant's Motion argues that one of the patents-in-suit is invalid
6 based on anticipation arising from an earlier sale of an existing infrared sauna called the SolarSpa.
7 *See* ECF 48 at 19-21.

8
9 2. This section relies in part on documentary and deposition testimonial evidence
10 provided by Defendant's president Garrett Gordon, who was deposed by Plaintiff in this case on
11 July 8, 2021.

12
13 3. Defendant also identified a hard drive containing evidence related to the claims and
14 defenses in this case, but has not timely produced the requested hard drive.

15
16 4. As of the filing of this motion, Plaintiff has not received a complete copy of the
17 hard drive, but one is expected this week.

18
19 5. Plaintiff requests additional time to respond to the Motion so that it has time to
20 receive Finnmark's 30(b)(6) deposition transcript and the requested hard drive from Defendant.

21
22 6. Plaintiff believes this discovery is necessary to properly respond to the documents
23 presented in the Motion.

24
25 8. Pursuant to the Stipulation and Order to Extend Discovery Deadlines entered by
26 the Court on January 11, 2021 (ECF 35), the deadline to file dispositive motions is presently
27 August 16, 2021, which will not be impacted by this motion.

28
9. This is the second request for an extension of time to respond to Defendant's
Motion.

1 10. For the above stated reasons, the request is made in in good faith and not for the
2 purpose of delay.

3 For the above reasons, Plaintiff requests that this motion for an extension of time to
4 respond to Defendant's Motion be granted giving Plaintiff up to and including August 19, 2021.

5 Respectfully submitted,

6
7 **ERICKSON KERNELL IP, LLC**

8
9 By: /s/ James J. Kernell

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28 *Attorneys for Plaintiff*

Sunlighten, Inc.

Order

 Citing the need to obtain discovery materials, plaintiff Sunlighten, Inc. moves to extend the deadline for it to respond to Finnmark Designs, LLC's summary-judgment motion to August 19, 2021. Finnmark files a limited opposition, arguing that plaintiff should require only a 15-day extension but, in any event, Finnmark's reply deadline should be extended 30 days consistent with the parties' initial stipulated extension of these deadlines. Good cause appearing, Sunlighten's motion for an extension [ECF No. 62] is **GRANTED**: Sunlighten's response to Finnmark's summary-judgment motion is due on **August 19, 2021**, and any reply is due on **September 18, 2021**.



U.S. District Judge Jennifer A. Dorsey

Dated: July 22, 2021